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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826.831	04/16/2004	Mark A. Kimmet	29495.00	3508

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EXAMINER

CARTER, WILLIAM JOSEPH

ART UNIT PAPER NUMBER

2875

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/826,831	Applicant(s) KIMMET ET AL.	
	Examiner William J. Carter	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24, 26, 28 and 32 is/are rejected.
- 7) ☒ Claim(s) 29-31 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Yarita et al. (6,411,353).

With respect to claim 24, Yarita teaches an apparatus for providing backlight illumination of an image (Figs. 10 and 14) comprising: a means for forming an illumination circuit (LP) on a substrate (SUB1; although item LP is connected to item MCA, item MCA is disposed on item SUB1 via connection items FPC2, CHX, and GC, thus item LP is disposed on item SUB1 via item MCA); a means for supplying power (LCT) to the illumination circuit; and a means for backlighting (BL) the image (PNL), and a means (SHD) for blocking a front view of the illumination circuit (Fig. 16).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26, 28, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarita in view of Bowman (6,491,412).

With respect to claims 26, 28, and 32, Yarita teaches applying an opaque border (SHD) to a surface (Fig. 16) of a substrate (SUB1; in Fig. 1 opaque border is applied to a surface of substrate SUB1 via connecting items MTP, CHX, and FPC2), applying circuits to a plurality of selected portions of a surface of the substrate (Fig. 10); applying at least one light emitting device (LP) to at least one selected portion of the surface (Fig. 10; LP is connected to the surface of item SUB1 via the connection described above), the at least one light emitting device positioned such that each of a pair of terminals is in contact with the circuit (Fig. 10), and a power connector (LCT) having a pair of terminals (LPC1 and LPC2). Yarita does not explicitly teach applying a conductive polymer thick film ink, the conductive polymer thick film ink forming a plurality of conductive traces' the polymer thick film in helping to for a circuit, curing the conductive polymer thick film ink, and connecting the at least one light emitting device with an adhesive. Bowman teaches applying a conductive polymer thick film ink, the conductive polymer thick film ink forming a plurality of conductive traces' the polymer thick film in helping to for a circuit, curing the conductive polymer thick film ink (column 5, lines 63-67), and connecting the at least one light emitting device with an adhesive (column 3, lines 47-50). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use to the teaching of the traces of Bowman to create the light assembly of Yarita, in order to create conductive traces with an easy assembly (column 5, line 47-column 6, line 7). As

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for claim 28, all of the elements of the claim are disclosed above, thus the methods are implicitly implied.

### ***Allowable Subject Matter***

Claims 1-23 are allowed.

Claims 29-31 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "conductive traces cured to the plate") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The means plus function language has been taken into consideration, and the means presented by Yarita meet the claim language and will satisfy the function of the current application.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, creating "conductive traces with an easy assembly" would be a beneficial reason to combine Yarita and Bowman. In the abstract Yarita clearly states "an electrical connection between the upper case and a grounding pattern formed on the flexible circuit board is made by at least one component in chip form having a conductive region." This "conductive region" could easily be replaced by conductive polymer thick film ink to create proper conductivity to ground the circuit, and one of ordinary skill in the art would be motivated to do so because the polymer thick film ink creates "conductive traces with an easy assembly."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wjc  
08/23/06

  
ALI ALAVI  
PRIMARY EXAMINER